

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

\_\_\_\_\_  
DONALD C. HUTCHINS

Plaintiff

v.

CARDIAC SCIENCE, INC., et al;

Defendants  
\_\_\_\_\_

Civil Action: **04-30126-MAP**

**PLAINTIFF DONALD C. HUTCHINS'**  
**MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, plaintiff Donald C. Hutchins, ("Hutchins") moves for summary judgment on all claims brought against defendant, Compliant Corporation ("Compliant"). Specifically, Hutchins requests that this Court enter an order finding against Compliant committed the following: Count IV. (Fraud), Count V. (Fraudulent Misappropriation and Sale of Patent), Count VII. (Tortious Interference with Contract), Count VIII. (Breach of Contract) as contained in the Amended Complaint.

**REQUEST FOR ORAL ARGUMENT**

Hutchins believes that oral argument will assist the Court in deciding this Motion and therefore requests oral argument pursuant to Local Rule 7.1(D). Attorney Gary Martinelli acted as Hutchins' legal counsel in the drafting of the June 1, 1994 License Agreement and is available to testify as to its contents. Plaintiff invites the Defendant to call Attorney Mark D. Kaufman, who represented County Line LLC, to appear on their behalf.

**LOCAL RULE 7.1(A)(2) CERTIFICATION**

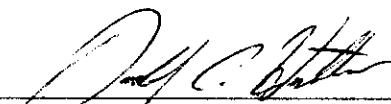
Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that plaintiff has conferred with defendant's counsel in an effort to narrow the issues raised by this Motion, and that no agreement was reached.

Respectfully submitted

The Plaintiff

Donald C. Hutchins, Pro Se

Dated: September 7, 2005

  
1047 Longmeadow Street  
Longmeadow, Massachusetts 01106  
(413) 567-0606  
(413) 739-4060 (facsimile)

**CERTIFICATE OF SERVICE**

I, Donald C. Hutchins, 1047 Longmeadow Street, Longmeadow, Massachusetts 01106, hereby certify that I served a copy of the foregoing on the appropriate party by sending a copy by United Parcel Service to:

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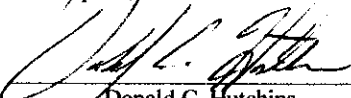
and

and

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Dated: 9/17/05

  
Donald C. Hutchins